U.S. Department of the Interior Bureau of Land Management White River Field Office 220 E Market St Meeker, CO 81641

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2011-0141-DNA

CASEFILE/PROJECT NUMBER: None.

PROJECT NAME: Piceance Basin Pinyon-Juniper Encroachment 2011

LEGAL DESCRIPTION:

Wagonroad Ridge Site: T3S, R99W, Sections 10(SE1/4), 11(W1/2), 14(NW1/4), 15(NE1/4)

Magnolia Bench Site: T2S, R96W, Section 3

Stewart/Cottonwood Gulch Site: T3S, R96W, Section 35(S1/2)

T4S, R96W, Sections 2, 11(N1/2)

APPLICANT: Colorado Parks and Wildlife

ISSUES AND CONCERNS: None. This project is being tiered to environmental assessment (EA) CO-110-2008-044-EA. Similar projects were also analyzed in NEPA documents CO-110-2007-145-CX, CO-110-2008-169-DNA, CO-110-2009-159-DNA, and CO-110-2010-0031-DNA. The CO-100-2008-044-EA analyzed the impact of mechanically removing up to 3,000 acres of encroaching pinyon pine and juniper (PJ) within the overall range of the Piceance-Parachute-Roan (PPR) greater sage-grouse population. To date, projects which have been either completed or planned total 1,262 acres (i.e., Barnes, Bailey, Black Sulphur, Ryan, Bar D and Galloway).

Background/Introduction: On March 5, 2010, the US Fish and Wildlife Service (FWS) concluded that the greater sage-grouse warranted listing as an endangered species under the Endangered Species Act, but that listing was precluded by the need to complete listing actions of higher priority. Range-wide, this species is considered a candidate for listing – a designation that affords management attention equivalent to that of species considered "sensitive" by the BLM. The PPR greater sage-grouse population is experiencing loss of habitat not only from increased development of natural gas resources but also from the encroachment of PJ into sagebrush parks. Conifer encroachment into sagebrush parks is identified as a conservation threat in both the statewide Colorado Greater Sage-Grouse Conservation Plan and the local PPR Greater Sage-Grouse Conservation Plan. Both plans advocate use of mechanical methods as a means to address habitat degradation due to conifer encroachment. The Proposed Action is strictly limited to PJ encroachment within sagebrush parks that are within the overall range of the PPR greater sage-grouse population. This Proposed Action does not include treatment in mature PJ

woodlands or treatment in which sagebrush cover is removed or altered in conjunction with PJ removal.

<u>DESCRIPTION OF PROPOSED ACTION</u>: Colorado Parks and Wildlife (CPAW) proposes to selectively remove (by mulching *in situ*) PJ trees that are encroaching into sagebrush habitat on BLM managed lands in the Piceance Basin, Rio Blanco County, Colorado. This proposed work is part of an ongoing research project by CPAW's Avian Research Section on greater sagegrouse in the Piceance Basin. One component of this research, of which BLM has been a partner, is to measure if/how sage-grouse respond to the removal of encroaching PJ woodlands, and ultimately to determine the efficacy of these types of projects for improving habitat conditions for sage-grouse where natural disturbance regimes (e.g., fire) have been altered or interrupted.

This proposal is to complete PJ encroachment work on 268 acres of BLM land managed by the White River Field Office (WRFO) in three separate project areas (see attached maps). The three project areas include Wagonroad Ridge (80 acres), Magnolia Bench (119 acres), and Stewart/Cottonwood Gulch (69 acres). An additional 24 acres of treatment are planned on adjacent private land at the Stewart/Cottonwood Gulch site. CPAW would like to complete this work between August 2011 and February 2012. Environmental Assessment CO-110-2008-044-EA was previously completed for this type of work.

Mitigation incorporated into the Proposed Action is as follows:

- 1. Bull hogs, hydro-axes, or similar equipment will be mounted on rubber-tired tractors. The entire canopy and bole will be mulched and evenly scattered. The cutting head will be turned off or raised to a minimum of 30 inches when traveling between trees so that sagebrush at the site is not mowed.
- 2. To minimize the disturbance to sage-grouse broods and other migratory birds, the Proposed Action would occur in late summer through fall (August through early-winter).
- 3. To ensure that this treatment has minimal soil disturbance, equipment operation will not be permitted when muddy conditions exist. Additionally, all equipment used for the project will be washed and free of mud and debris prior to moving the equipment onto public lands to prevent the introduction of noxious weeds.
- 4. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the Authorized Officer (AO). Within five working days the AO will inform the operator as to:
 - whether the materials appear eligible for the National Register of Historic Places
 - the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
 - a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO

are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

- 5. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 6. Refueling rubber-tired tractors will be done with proper protection measures, including a cloth or plastic undercloth to protect soils and on a flat existing road.
- 7. The release of any chemical, oil, petroleum product, produced water, or sewage, etc, (regardless of quantity) must be reported by the contractor, to the BLM WRFO Hazardous Materials Coordinator at (970) 878-3800.
- 8. Workers conducting vegetation treatments will only travel with off-road vehicles (e.g. ATVs) on existing roads and trails. The tractor(s) used to conduct the actual tree removal will be allowed to travel off of existing roads.
- 9. The operator of the heavy equipment shall have a shovel and a 10 pound fire extinguisher to suppress any accidental ignition. All ignitions will be called into Craig Interagency Dispatch (970-826-5037) so that all of the BLM Fire crew can properly inspect and manage the incidents in accordance with the Fire Management Plan.
- 10. Efforts will be made to place tree debris in such a way to reduce bare ground and be as dispersed as possible.
- 11. The operator is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood, or collecting fossils for commercial purposes on public lands. If significant paleontological resources are discovered during surface disturbing actions or at any other time, the operator or any of his agents must stop work immediately at the site, immediately contact the AO, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage.

The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Work may not resume at that location until approved by the official BLM representative.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, significant delays may occur while the AO enacts mitigation procedures. The operator may elect to contract an approved paleontologist to execute site mitigations in order to expedite proceedings. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

12. Prior to solicitation of any contracts to conduct the tree removal, CPAW or the BLM WRFO shall obtain written permission from the appropriate landowner for the contractor to use existing two-track roads on private property to access BLM land.

LAND USE PLAN (LUP) CONFORMANCE REVIEW:

<u>Name of Plan</u>: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Number/Page:

Decision Language: "Restore, maintain, or enhance habitat conditions and features conductive to the maintenance or expansion of native grouse populations." p.2-31

"Reduce the pinyon-juniper tree component where pinyon or juniper has dominated or is invading other ecological sties." p.2-12

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

<u>Name of Document</u>: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

<u>Name of Document</u>: Mechanical Removal of Pinyon & Juniper (PJ) Encroachment into Sagebrush Parks within the Range of the Parachute-Piceance-Roan (PPR) Greater Sage-Grouse Population; CO-110-2008-044-EA.

Date Approved: August 12, 2008

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes, the Proposed Action is the same action, and with the exception of one treatment area, is within the identified potential treatment areas, analyzed in CO-110-08-044-EA. The proposed treatment area which occurs outside of areas previously analyzed is approximately 2.5 miles, in similar habitat (ridge line with PJ encroachment), from those sites. Treatment timeframes would be similar to those analyzed in the original EA (i.e., August through early-winter), but would extend into February. This is not anticipated to have any substantive influence on sage-grouse as treatments would not occur during the breeding or lekking season.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Two alternatives, covering a (Proposed Action and the No Action Alternative) reasonable range of alternatives to the Proposed Action was analyzed in CO-110-2008-044-EA. The use of prescribed fire was considered in the original EA, but due to the loss of sagebrush associated with burning was not carried forward. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Documentation of answer and explanation: Yes, the existing analysis remains valid in light of new status (see Background Information above regarding status of sage-grouse).

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes, the direct and indirect impacts as well as the cumulative effects remain unchanged from those identified and analyzed in the White River ROD/RMP and CO-110-08-044-EA. Including the acreage proposed for treatment

with this action, total treatment acreage is 1,530 acres, well within the 3,000 acres analyzed in the original EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

Documentation of answer and explanation: Yes, public involvement conducted for the White River ROD/RMP and C0-110-08-044-EA is adequate for this Proposed Action. Also this project has been planned in coordination with CPAW's sage-grouse research objectives in the Piceance Basin.

<u>INTERDISCIPLINARY REVIEW</u>: The Proposed Action was presented to, and reviewed by the White River Field Office interdisciplinary team on 6/28/2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: Stewart/Cottonwood Gulch Site: The BLM administered portions of the Stewart/Cottonwood Gulch location was inventoried at the Class III level (McDonald 2011 compliance dated 8/2/2011) with no new cultural resources identified in the identified project area and buffers. The proposed project will not impact any known archaeological resources. The project involves minimal ground disturbance and should not impact any unknown subsurface resources.

Magnolia Bench Site: Inventory of this segment of the project identified an old historic road (5RB.6750.1) (McDonald 2011, Compliance Dated 8/2/2011) which provides access to the project area and acts as the eastern boundary of the project. The site is not considered eligible for nomination to or listing on the National Register of Historic Places. There is no intention or authorization to upgrade or modify the road and there will be no effect to the site.

Wagonroad Ridge Site: The proposed project area was inventoried at the Class III (100 percent pedestrian) level (McDonald 2011 Compliance Dated 8/2/2011) and additional segments of known site 5RB.5308 were documented. The historic road acts as part of the project boundary and is also part of the existing Rio Blanco County 144. The project will not impact the site which has been determined ineligible for nomination to the National Register of Historic Places. (MRS 8/3/2011)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 8/3/2011)

Threatened and Endangered Wildlife Species: There are no additional wildlife-related concerns or issues outside of those addressed in the original EA (DOI-BLM- C0-110-08-044-EA). (LRB 7/26/2011)

Threatened and Endangered Plant Species: There are no special status plant species concerns. (ZMM 7/8/2011)

MITIGATION: Mitigation has been integrated into the Proposed Action.

<u>COMPLIANCE PLAN (optional)</u>: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Lisa Belmonte

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 8/4/2011

ATTACHMENTS: Map 1: Piceance Basin PJ Encroachment Overview of Project Area

Map 2: Wagonroad Ridge PJ site Map 3: Magnolia Bench PJ site

Map 4: Stewart/Cottonwood Gulch PJ site

CONCLUSION

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Based on the review documented above, I conclude that this proposal in consort with the applied mitigation conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL:

Field Manager

DATE SIGNED: 08/05/2011

Note: The signed <u>Conclusion</u> on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

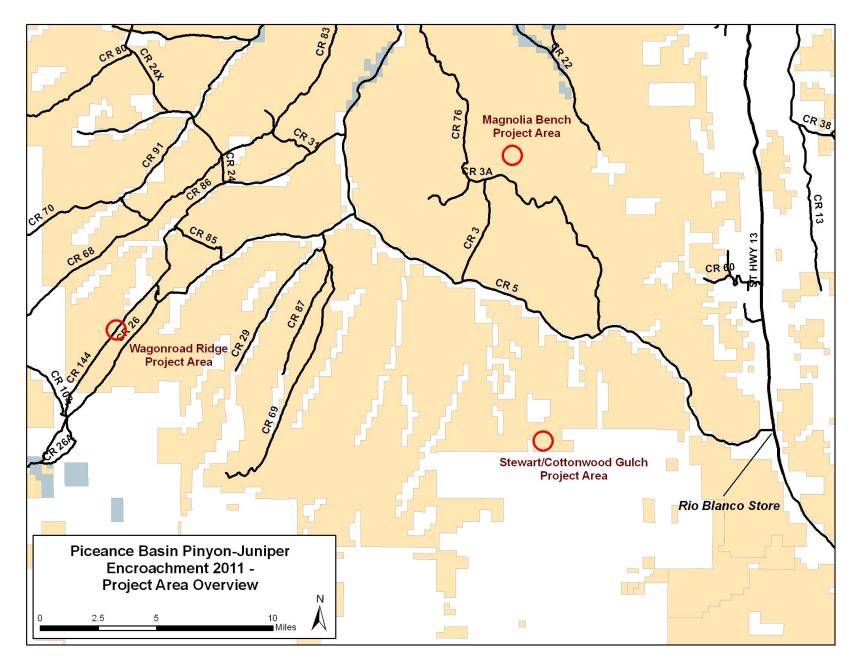


Figure 1: Piceance Basin PJ Encroachment – Overview of Project Area

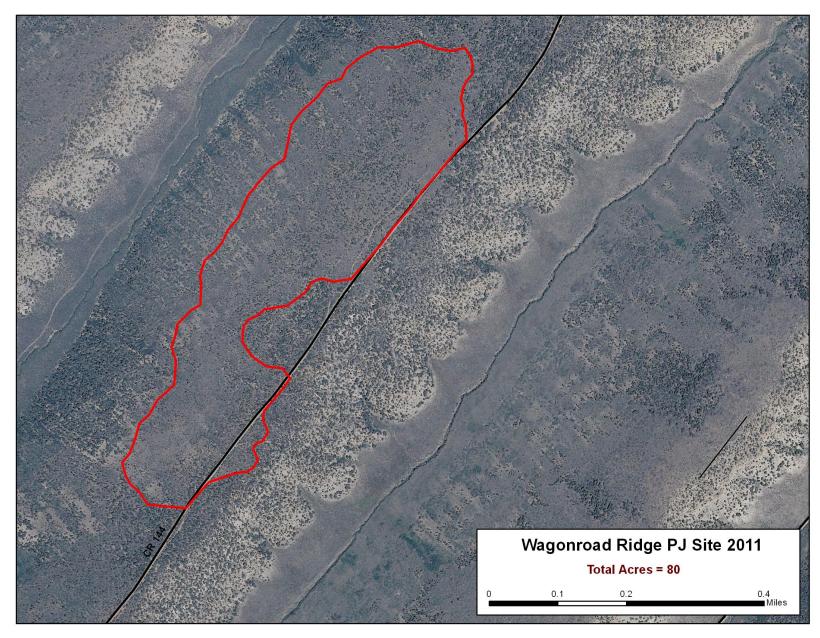


Figure 2: Wagonroad Ridge PJ Site

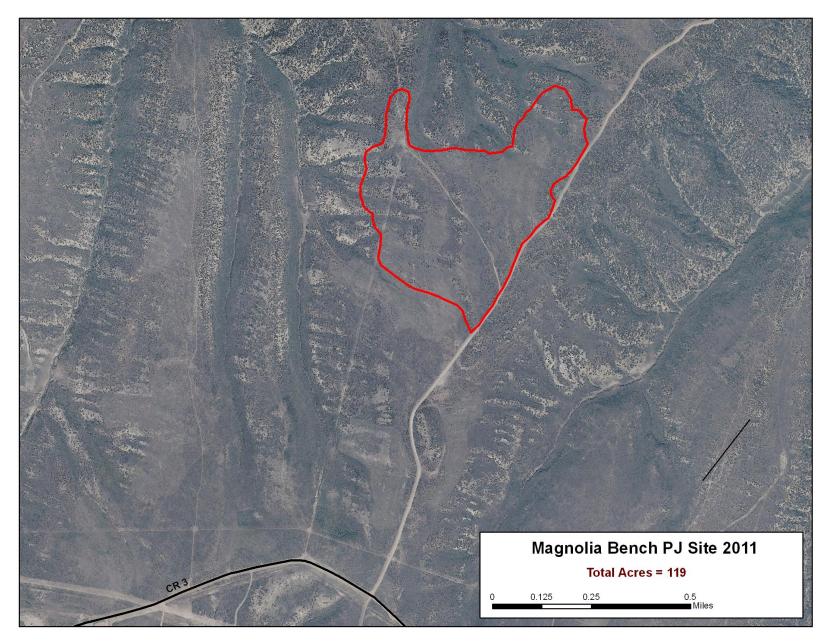


Figure 3: Magnolia Bench PJ Site

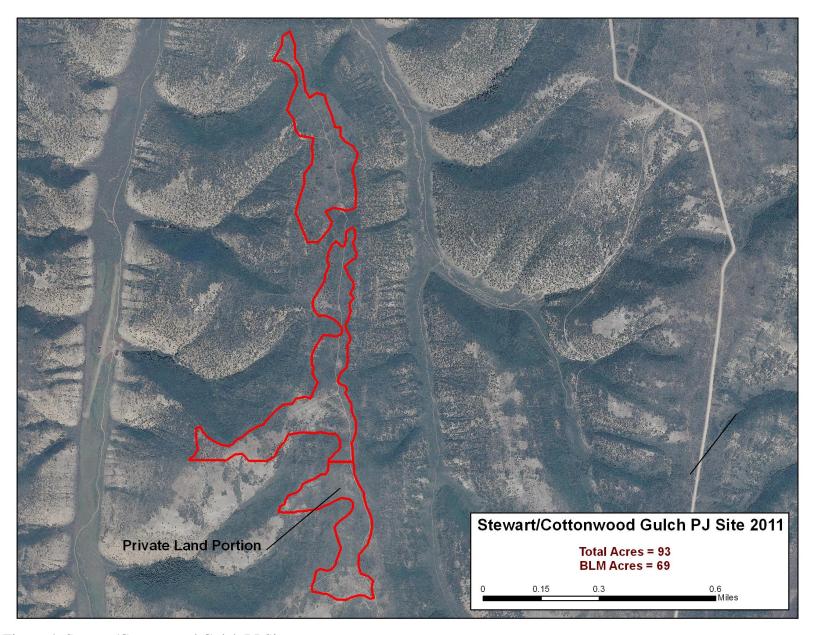


Figure 4: Stewart/Cottonwood Gulch PJ Site